

**REPORT OF THE AUDIT OF THE
FORMER MUHLENBERG COUNTY
SHERIFF**

**For The Year Ended
December 31, 2010**



**CRIT LUALLEN
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EXECUTIVE SUMMARY

**AUDIT EXAMINATION OF THE
FORMER MUHLENBERG COUNTY SHERIFF**

**For The Year Ended
December 31, 2010**

The Auditor of Public Accounts has completed the former Muhlenberg County Sheriff's audit for the year ended December 31, 2010. Based upon the audit work performed, the financial statement presents fairly, in all material respects, the revenues, expenditures, and excess fees in conformity with the regulatory basis of accounting.

Financial Condition:

Excess fees increased by \$12,155 from the prior year, resulting in excess fees of \$725,214 as of December 31, 2010. Revenues increased by \$18,256 from the prior year and expenditures increased by \$6,101.

Report Comments:

- 2010-01 The Former Sheriff's Office Lacked Adequate Segregation Of Duties Over Receipts And Reconciliations
- 2010-02 The Former Sheriff Should Have Adopted A Written Policy Regarding Overtime And Compensatory Time

Deposits:

The former Sheriff's deposits were insured and collateralized by bank securities.

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CRIT LUALLEN
AUDITOR OF PUBLIC ACCOUNTS

The Honorable Rick Newman, Muhlenberg County Judge/Executive
The Honorable Charles Perry, Former Muhlenberg County Sheriff
Members of the Muhlenberg County Fiscal Court

Independent Auditor's Report

We have audited the accompanying statement of revenues, expenditures, and excess fees - regulatory basis of the former Sheriff of Muhlenberg County, Kentucky, for the year ended December 31, 2010. This financial statement is the responsibility of the former Sheriff. Our responsibility is to express an opinion on this financial statement based on our audit.

We conducted our audit in accordance with auditing standards generally accepted in the United States of America, the standards applicable to financial audits contained in Government Auditing Standards issued by the Comptroller General of the United States, and the Audit Guide for County Fee Officials issued by the Auditor of Public Accounts, Commonwealth of Kentucky. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statement is free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statement. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audit provides a reasonable basis for our opinion.

As described in Note 1, the Sheriff's office prepares the financial statement on a regulatory basis of accounting that demonstrates compliance with the laws of Kentucky, which is a comprehensive basis of accounting other than accounting principles generally accepted in the United States of America.

In our opinion, the financial statement referred to above presents fairly, in all material respects, the revenues, expenditures, and excess fees of the former Sheriff for the year ended December 31, 2010, in conformity with the regulatory basis of accounting described in Note 1.

In accordance with Government Auditing Standards, we have also issued our report dated June 20, 2011 on our consideration of the former Muhlenberg County Sheriff's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts and grant agreements, and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on the internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with Government Auditing Standards and should be considered in assessing the results of our audit.



The Honorable Rick Newman, Muhlenberg County Judge/Executive
The Honorable Charles Perry, Former Muhlenberg County Sheriff
Members of the Muhlenberg County Fiscal Court

Based on the results of our audit, we have presented the accompanying comments and recommendations, included herein, which discusses the following report comments:

- 2010-01 The Former Sheriff's Office Lacked Adequate Segregation Of Duties Over Receipts And Reconciliations
- 2010-02 The Former Sheriff Should Have Adopted A Written Policy Regarding Overtime And Compensatory Time

This report is intended solely for the information and use of the Sheriff and Fiscal Court of Muhlenberg County, Kentucky, and the Commonwealth of Kentucky and is not intended to be and should not be used by anyone other than these interested parties.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Crit Luallen", with a long horizontal flourish extending to the right.

Crit Luallen
Auditor of Public Accounts

June 20, 2011

MUHLENBERG COUNTY
 CHARLES PERRY, FORMER SHERIFF
STATEMENT OF REVENUES, EXPENDITURES, AND EXCESS FEES - REGULATORY BASIS

For The Year Ended December 31, 2010

Revenues

State Fees For Services:

Finance and Administration Cabinet	\$ 71,241	
Sheriff Security Service	23,242	
Patient Transport	<u>1,324</u>	\$ 95,807

Circuit Court Clerk:

Fines and Fees Collected	12,474
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Fiscal Court	90,601
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County Clerk - Delinquent Taxes	35,207
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Commission On Taxes Collected	414,532
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Fees Collected For Services:

Auto Inspections	12,194	
Accident and Police Reports	288	
Serving Papers	40,928	
Carrying Concealed Deadly Weapon Permits	<u>7,885</u>	61,295

Other:

Delinquent Taxes From State	2	
Pennyroyal Transport Payments	5,979	
Sheriff's Fees on Taxes	49,642	
Sales & Use Tax	2,626	
Telecommunication Tax	49,592	
Miscellaneous	<u>7</u>	107,848

Interest Earned	<u>47</u>
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Total Revenues	817,811
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The accompanying notes are an integral part of this financial statement.

MUHLENBERG COUNTY
 CHARLES PERRY, FORMER SHERIFF
 STATEMENT OF REVENUES, EXPENDITURES, AND EXCESS FEES - REGULATORY BASIS
 For The Year Ended December 31, 2010
 (Continued)

Expenditures

Operating Expenditures:

Other Charges-

Carrying Concealed Deadly Weapon Permits	\$ 1,565
Miscellaneous	432
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Total Expenditures	<hr/> 1,997
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Net Revenues	815,814
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Less: Statutory Maximum	<hr/> 86,976
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Excess Fees	728,838
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Less: Training Incentive Benefit	<hr/> 3,624
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Excess Fees Due County for 2010	725,214
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Payments to Fiscal Court - Monthly	<hr/> 725,214
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Balance Due Fiscal Court at Completion of Audit	<hr/> <hr/> \$ 0
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The accompanying notes are an integral part of this financial statement.

MUHLENBERG COUNTY
NOTES TO FINANCIAL STATEMENT

December 31, 2010

Note 1. Summary of Significant Accounting Policies

A. Fund Accounting

A fee official uses a fund to report on the results of operations. A fund is a separate accounting entity with a self-balancing set of accounts. Fund accounting is designed to demonstrate legal compliance and to aid financial management by segregating transactions related to certain government functions or activities.

A fee official uses a fund for fees to account for activities for which the government desires periodic determination of the excess of revenues over expenditures to facilitate management control, accountability, and compliance with laws.

B. Basis of Accounting

KRS 64.820 directs the fiscal court to collect any amount, including excess fees, due from the Sheriff as determined by the audit. KRS 134.310 requires the Sheriff to settle excess fees with the fiscal court at the time he files his final settlement with the fiscal court.

The financial statement has been prepared on a regulatory basis of accounting, which demonstrates compliance with the laws of Kentucky and is a comprehensive basis of accounting other than accounting principles generally accepted in the United States of America. Under this regulatory basis of accounting revenues and expenditures are generally recognized when cash is received or disbursed with the exception of accrual of the following items (not all-inclusive) at December 31 that may be included in the excess fees calculation:

- Interest receivable
- Collection on accounts due from others for 2010 services
- Reimbursements for 2010 activities
- Tax commissions due from December tax collections
- Payments due other governmental entities for payroll
- Payments due vendors for goods or services provided in 2010

The measurement focus of a fee official is upon excess fees. Remittance of excess fees is due to the County Treasurer in the subsequent year.

C. Cash and Investments

At the direction of the fiscal court, KRS 66.480 authorizes the Sheriff's office to invest in the following, including but not limited to, obligations of the United States and of its agencies and instrumentalities, obligations and contracts for future delivery or purchase of obligations backed by the full faith and credit of the United States, obligations of any corporation of the United States government, bonds or certificates of indebtedness of this state, and certificates of deposit issued by or other interest-bearing accounts of any bank or savings and loan institution which are insured by the Federal Deposit Insurance Corporation (FDIC) or which are collateralized, to the extent uninsured, by any obligation permitted by KRS 41.240(4).

MUHLENBERG COUNTY
NOTES TO FINANCIAL STATEMENT
December 31, 2010
(Continued)

Note 1. Summary of Significant Accounting Policies (Continued)

D. Fee Pooling

The Muhlenberg County Sheriff is required by Fiscal Court to participate in a fee pooling system. Fee officials who are required to participate in fee pooling deposit all funds collected into their official operating account. The funds are then paid to the County Treasurer on a monthly basis. Invoices are submitted to the County Treasurer to document operating expenses. The County Treasurer pays all operating expenses for the fee official.

Note 2. Employee Retirement System

The county official and employees have elected to participate in the County Employees Retirement System (CERS), pursuant to KRS 78.530 administered by the Board of Trustees of the Kentucky Retirement Systems. This is a cost sharing, multiple employer defined benefit pension plan, which covers all eligible full-time employees and provides for retirement, disability and death benefits to plan members. Benefit contributions and provisions are established by statute.

Nonhazardous covered employees are required to contribute 5 percent of their salary to the plan. Nonhazardous covered employees who begin participation on or after September 1, 2008 are required to contribute 6 percent of their salary to the plan. The county's contribution rate for nonhazardous employees was 16.16 percent for the first six months and 16.93 percent for the last six months.

Benefits fully vest on reaching five years of service for nonhazardous employees. Aspects of benefits for nonhazardous employees include retirement after 27 years of service or age 65. Nonhazardous employees who begin participation on or after September 1, 2008 must meet the rule of 87 (members age plus years of service credit must equal 87, and the member must be a minimum of 57 years of age) or the member is age 65, with a minimum of 60 months service credit.

Historical trend information showing the CERS' progress in accumulating sufficient assets to pay benefits when due is presented in the Kentucky Retirement Systems' annual financial report. This report may be obtained by writing the Kentucky Retirement Systems, 1260 Louisville Road, Frankfort, KY 40601-6124, or by telephone at (502) 564-4646.

Note 3. Deposits

The former Muhlenberg County Sheriff maintained deposits of public funds with depository institutions insured by the Federal Deposit Insurance Corporation (FDIC) as required by KRS 66.480(1)(d). According to KRS 41.240(4), the depository institution should pledge or provide sufficient collateral which, together with FDIC insurance, equals or exceeds the amount of public funds on deposit at all times. In order to be valid against the FDIC in the event of failure or insolvency of the depository institution, this pledge or provision of collateral should be evidenced by an agreement between the Sheriff and the depository institution, signed by both parties, that is (a) in writing, (b) approved by the board of directors of the depository institution or its loan committee, which approval must be reflected in the minutes of the board or committee, and (c) an official record of the depository institution.

MUHLENBERG COUNTY
NOTES TO FINANCIAL STATEMENT
December 31, 2010
(Continued)

Note 3. Deposits (Continued)

Custodial Credit Risk - Deposits

Custodial credit risk is the risk that in the event of a depository institution failure, the Sheriff's deposits may not be returned. The former Muhlenberg County Sheriff did not have a deposit policy for custodial credit risk but rather followed the requirements of KRS 41.240(4). As of December 31, 2010, all deposits were covered by FDIC insurance or a properly executed collateral security agreement.

Note 4. Drug Enforcement Fund

The Sheriff's office was awarded funds by the court to establish a Drug Enforcement Fund. This fund is used for drug enforcement and eradication. The beginning balance in the Drug Enforcement Fund was \$22,166 as of January 1, 2010. Receipts totaled \$3,087 and expenditures totaled \$11,950 for calendar year 2010. The fund balance as of December 31, 2010 was \$13,303.

Note 5. Contribution Account

The Muhlenberg County Sheriff's office maintains a Contribution Account. The beginning balance in this fund was \$5,231. There were not any receipts or expenditures for calendar year 2010. The total fund balance was \$5,231 as of December 31, 2010.

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REPORT ON INTERNAL CONTROL OVER FINANCIAL REPORTING AND
ON COMPLIANCE AND OTHER MATTERS BASED ON AN AUDIT OF THE FINANCIAL
STATEMENT PERFORMED IN ACCORDANCE WITH GOVERNMENT AUDITING STANDARDS



CRIT LUALLEN
AUDITOR OF PUBLIC ACCOUNTS

The Honorable Rick Newman, Muhlenberg County Judge/Executive
The Honorable Charles Perry, Former Muhlenberg County Sheriff
Members of the Muhlenberg County Fiscal Court

Report On Internal Control Over Financial Reporting And
On Compliance And Other Matters Based On An Audit Of The Financial
Statement Performed In Accordance With Government Auditing Standards

We have audited the statement of revenues, expenditures, and excess fees - regulatory basis of the former Muhlenberg County Sheriff for the year ended December 31, 2010, and have issued our report thereon dated June 20, 2011. The former Sheriff's financial statement is prepared in accordance with a basis of accounting other than generally accepted accounting principles. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in Government Auditing Standards issued by the Comptroller General of the United States.

Internal Control Over Financial Reporting

In planning and performing our audit, we considered the former Muhlenberg County Sheriff's internal control over financial reporting as a basis for designing our auditing procedures for the purpose of expressing our opinion on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the former Sheriff's internal control over financial reporting. Accordingly, we do not express an opinion on the effectiveness of the former Sheriff's internal control over financial reporting.

Our consideration of internal control over financial reporting was for the limited purpose described in the preceding paragraph and was not designed to identify all deficiencies in internal control over financial reporting that might be significant deficiencies or material weaknesses and therefore, there can be no assurance that all deficiencies, significant deficiencies, or material weaknesses have been identified. However, as described in the accompanying comments and recommendations, we identified a certain deficiency in internal control over financial reporting that we consider to be a material weakness.

A *deficiency in internal control* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct misstatements on a timely basis. A *material weakness* is a deficiency, or a combination of deficiencies, in internal control such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected on a timely basis. We consider the deficiency described in the accompanying comments and recommendations as item 2010-01 to be a material weakness.



Report On Internal Control Over Financial Reporting And
On Compliance And Other Matters Based On An Audit Of The Financial
Statement Performed In Accordance With Government Auditing Standards
(Continued)

Compliance And Other Matters

As part of obtaining reasonable assurance about whether the former Muhlenberg County Sheriff's financial statement for the year ended December 31, 2010, is free of material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit and, accordingly, we do not express such an opinion. The results of our tests disclosed an instance of noncompliance or other matters that is required to be reported under Government Auditing Standards and which is described in the accompanying comments and recommendations as item 2010-02.

This report is intended solely for the information and use of management, the Muhlenberg County Fiscal Court, and the Department for Local Government and is not intended to be and should not be used by anyone other than these specified parties.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Crit Luallen", with a long horizontal flourish extending to the right.

Crit Luallen
Auditor of Public Accounts

June 20, 2011

COMMENTS AND RECOMMENDATIONS

MUHLENBERG COUNTY
CHARLES PERRY, FORMER SHERIFF
COMMENTS AND RECOMMENDATIONS

For The Year Ended December 31, 2010

INTERNAL CONTROL - MATERIAL WEAKNESS:

2010-01 The Former Sheriff's Office Lacked Adequate Segregation Of Duties Over Receipts And Reconciliations

Our review and evaluation of the former Sheriff's internal controls disclosed a lack of adequate segregation of duties. The bookkeeper collected receipts for the office in addition to preparing deposits and daily checkout sheets. Good internal controls dictate that the collection of receipts, disbursing of cash, purchasing authority, recording of transactions, and bank reconciling duties be segregated. Documented compensating controls were not in place to offset this control deficiency. We recommend these duties be segregated or compensating controls be implemented.

The Sheriff or another employee who does not have access to bookkeeping records, cash receipts, cash disbursements, bank records or statements should periodically:

- Examine the daily checkout sheet and agree to the deposit ticket, cash receipts ledger and bank statement. Documentation may be evidenced by the reviewer initialing the aforementioned records noted.
- Compare the receipts ledger to the monthly and quarterly reports and document comparisons.
- Monthly bank reconciliations should be reviewed and the review should be documented.
- Perform occasional surprise cash counts.

Any compensating control implemented should be documented.

Sheriff's Response: No Response.

STATE LAWS AND REGULATIONS:

2010-02 The Former Sheriff Should Have Adopted A Written Policy Regarding Overtime And Compensatory Time

During audit testing of payroll, we noted that the former Sheriff has no written policy regarding compensatory time, and also that the county's administrative code does not address compensatory time. Further review of time records and earnings records revealed that employees are either paid overtime or accrue compensatory time for hours worked in excess of 40 hours per week.

Without a written policy, one cannot determine under what circumstances employees are to be compensated. Therefore, we recommend the Sheriff prepare and adopt a policy regarding overtime and compensatory time, establishing the guidelines by which employees are to be compensated. This policy should be in writing and communicated to the employees of the sheriff's office.

Sheriff's Response: No Response.

